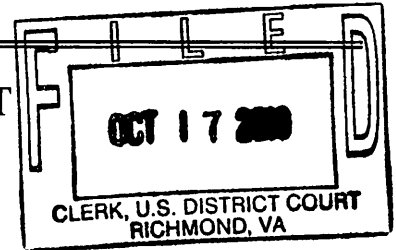


UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*

Information associated with Gab AI, Inc. Accounts/User
 IDs @Chad_Bagwell, Chad Bagwell, & Paul Rosenfeld's
 Chemist, more particularly described in Attachment A

Case No. 3:18SW271

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment A, fully incorporated by reference herein;

located in the Middle District of Pennsylvania, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, fully incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 115(a)(1)	Threatening Federal Officials with Intent to Retaliate on Account of, or to Interfere with, the Performance of Official Duties
18 U.S.C. § 875(c)	Transmitting Threatening Communications in Interstate Commerce

The application is based on these facts:

See attached Affidavit, fully incorporated by reference herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

James R. Rudisill, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/16/2018

City and state: Richmond, Virginia

Roderick C. Young, United States Magistrate Judge

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Gab profiles as follows:

USERNAME	DISPLAY NAME
@Chad Bagwell	Chad Bagwell
@Chad Bagwell	Paul Rosenfeld's Chemist

that are stored at premises owned, maintained, controlled, or operated by Gab AI, Inc, a company headquartered at 700 North State Street, Clarks Summit, Pennsylvania 18411, which is located within the Middle District of Pennsylvania.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Gab

To the extent that the information described in **Attachment A** is within the possession, custody, or control of Gab AI, Inc. (Gab), including any messages, records, files, logs, or information that have been deleted but are still available to Gab, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Gab is required to disclose the following information to the government for each account listed in **Attachment A**:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All IP logs and other documents showing the IP address, date, and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All posts and private messages sent, received, quoted, reposted, or “liked” by the account, and all photographs or images included in those posts or private messages;

- g. All usernames and display names of other users who have reposted, quoted, or “liked” posts made by the account.
- h. A list of all posts from other users that included the account username as a “mention” or replies to posts made from the account.
- i. All photographs and images in the user gallery for the account;
- j. All location data associated with the account;
- k. All data and information that has been deleted by the user;
- l. A list of other users that the user follows and all users who are following the user;
- m. A list of all users that the account has muted or blocked;
- n. All groups created by or joined by the account;
- o. All information on the “Who to Follow” list for the account;
- p. All privacy and account settings;
- q. All records of Gab searches performed by the account, including all past searches saved by the account;
- r. All records pertaining to communications between Gab and any person regarding the user or the user’s Gab account, including contacts with support services, and all records of actions taken, including suspensions of the account.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. § 115 involving users **Chad Bagwell, Paul Rosenfeld’s Chemist, @Chad_Bagwell**, and related conspirators including, for each username or display name identified on Attachment A, information pertaining to the following matters:

- a. Threats to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or certain other government officials (collectively referred to as government officials), with intent to impede, intimidate, or interfere with such government officials while engaged in the performance of official duties, or with intent to retaliate against such government officials on account of the performance of official duties.
- b. Evidence indicating how and when the Gab account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Gab account holder;
- c. Evidence indicating the Gab account user's state of mind as it relates to the crime under investigation;
- d. The identity of the person(s) who created or used the username or display name, including records that help reveal the whereabouts of such person(s).
- e. The identity of persons who communicated with the users targeted by this search about matters related to the offense conduct under investigation (referenced above at II.a.), including records that help reveal their whereabouts.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN THE MATTER OF A SEARCH OF:)
)
INFORMATION ASSOCIATED WITH)
GAB AI, INC. ACCOUNTS/USER IDS:)
@CHAD_BAGWELL, CHAD)
BAGWELL, AND PAUL)
ROSENFELD'S CHEMIST THAT ARE)
STORED AT PREMISES)
CONTROLLED BY GAB AI, INC.)

3:18SW271
Case No.

**AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR A WARRANT TO SEARCH AND SEIZE**

I, James R. Rudisill, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since August 2012. I am assigned to the Joint Terrorism Task Force, Richmond Field Office, located in Richmond, Virginia. My principal duties include the investigation of, among other matters pertaining to international and domestic terrorism, threats of violence in violation of the laws of the United States.

2. I am a federal law enforcement officer under applicable provisions of the United States Code under Rule 41(a) of the Federal Rules of Criminal Procedure. I have received training on, and have experience in, the enforcement of the laws of the United States, including the preparation and presentation of search warrants, and in executing court-ordered search warrants. I make this affidavit in support of an application by the United States of America for a

warrant to search and seize evidence associated with the following accounts at Gab AI, Inc. (hereafter Gab): **@Chad_Bagwell, Chad Bagwell, and Paul Rosenfeld's Chemist**, all further described in **Attachment A**.

3. Based on the information below, I submit there is probable cause to believe the aforementioned Gab accounts will contain evidence, as more fully identified in **Attachment B**, of violations of federal law, including, but not limited to, Title 18, United States Code, Section 115(a)(1) (Threatening Federal Officials with Intent to Retaliate on Account of, or to Interfere with, the Performance of Official Duties) and Title 18, United States Code, Section 875(c) (Transmitting Threatening Communications in Interstate Commerce).

4. The Affiant bases this affidavit upon personal knowledge and observations made during the course of this investigation, information conveyed to me by other law enforcement officers assigned to this investigation, and upon my personal review of records, documents, and items lawfully obtained by third parties. This affidavit is not intended to include each and every fact known to me or other investigating agencies, nor does it reflect all the evidence developed during the course of the investigation. Instead, the Affiant has set forth sufficient information to establish probable cause for the issuance of the requested search warrant. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part.

RELEVANT STATUTES

5. *Threatening Federal Officials with Intent to Retaliate on Account of, or to Interfere with, the Performance of Official Duties* – Title 18, United States Code, Section 115(a)(1), provides that “Whoever, threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing

would be a crime under such section, with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties” shall be guilty of a federal offense.

6. *Transmitting Threatening Communications in Interstate Commerce* – Title 18, United States Code, Section 875(c), provides that “Whoever transmits in interstate and foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another” shall be guilty of a federal offense.

JURISDICTION

7. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i). Further, pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

PROBABLE CAUSE IN SUPPORT OF PROPOSED SEARCH

A. Background Regarding Events in Charlottesville, Virginia in August 2017 and Federal Criminal Charges in the Western District of Virginia:

8. On August 12, 2017, a “Unite the Right” (UTR) rally was scheduled to be held at Emancipation Park in Charlottesville, Virginia. The proclaimed purpose of the rally was to protest the removal of the Robert E. Lee and Thomas “Stonewall” Jackson statues in Charlottesville. Several groups and individuals espousing right-wing nationalist and/or white supremacist views traveled to Charlottesville to attend the rally in support. One of those groups

was the “Rise Above Movement” (RAM), a militant white-supremacist organization based in Southern California. RAM espouses a white supremacy extremist ideology, additional details of which may also be found in **Attachment C**. On August 12, 2017, the UTR rally was scheduled to begin at noon.

9. On the morning of August 12, 2017, individuals and groups espousing white supremacist and white nationalist beliefs funneled into Emancipation Park. Numerous counter-protestors attended the rally to oppose the rally and its supporters. Throughout the morning, numerous violent encounters occurred between the white-supremacist protestors and counter-protestors. At approximately noon, the UTR rally was declared an unlawful assembly by the Charlottesville Police Department (“CPD”), and both protestors and counter-protestors dispersed from the park.

10. The FBI has been conducting an investigation into possible violations of federal criminal law committed by individuals allegedly associated with RAM and other groups connected to the violent events and riots occurring in Charlottesville on August 12, 2017. As a result of that investigation, on August 27, 2018, four individuals associated with RAM were charged via federal Criminal Complaint for alleged violations of Title 18, United States Code, Section 2101 (Riots) and Title 18, United States Code, Section 371 (Conspiracy to Riot). The named defendants are Benjamin Drake Daley, Michael Paul Miselis, Thomas Walter Gillen, and Cole Evan White. The Criminal Complaint against one of those defendants (Daley), which was filed in the Western District of Virginia, is attached herein to this affidavit as **Attachment C**. The Criminal Complaint affidavit, used against all four charged defendants, was lawfully executed and sworn to by Virginia Department of State Police, Bureau of Criminal Investigation, Officer Dino P. Cappuzzo, who is a sworn Task Force Officer of the United States Department

of Justice, Federal Bureau of Investigation (FBI) Joint Terrorism Task Force in Charlottesville, Virginia. In connection with the investigation related to the criminal conduct referenced in the attached Criminal Complaint, Task Force Officer Cappuzzo has been engaged in the performance of his official duties as a sworn Task Force Officer with the FBI's Joint Terrorism Task Force.

11. On October 2, 2018, Daley, Miselis, Gillen and White were arrested. These arrests sparked almost immediate outrage in Alt-Right and white supremacist online social media forums, to include Gab. These arrests are also the basis on which the targets of this warrant made the threats and retaliatory acts directed at TFO Cappuzzo and United States Attorney for the Western District of Virginia Thomas Cullen, more thoroughly examined in part B, below.

12. On October 10, 2018, all four defendants charged via Criminal Complaint on August 27, 2018, were charged by a federal Grand Jury in the Western District of Virginia with violations of Title 18, United States Code, Section 2101 (Riots) and Title 18, United States Code, Section 371 (Conspiracy to Riot). The pending indictment is attached to this affidavit as

Attachment D.

B. Information Regarding Subsequent Threats Against Federal Officials Connected to Gab Accounts Referenced in Proposed Search.

13. The FBI has been conducting an investigation into possible violations of federal criminal law committed by Chad Bagwell and others allegedly associated with white supremacy extremist groups. The investigation was initiated by way of intelligence obtained from an FBI source of information indicating that Bagwell and others were conspiring to commit violence against federal agents in response to the arrest of the four RAM individuals described above. Through continued investigation, the FBI has also learned the following with respect to the

backgrounds for Chad Bagwell and another individual connected to the Gab accounts referenced below:

- a. **Chad Bagwell and Paul Rosenfeld's Chemist (connected to Gab Username @Chad_Bagwell)** is known to the FBI by way of investigation as a supporter of the National Socialist Movement (NSM) which is the modern manifestation of the American Nazi Party; NSM was one of the neo-fascist groups that participated in the Charlottesville, Virginia riot of August 12, 2017. On and prior to October 12, 2018, @Chad_Bagwell utilized the Gab display name Chad Bagwell. At some point between October 12 and October 15, 2018, that display name was changed. An October 15, 2018 review of the public profile with Gab Username @Chad_Bagwell revealed a new display name – "Paul Rosenfeld's Chemist." "Paul Rosenfeld's Chemist" is a reference to Paul M. Rosenfeld, who was arrested on a Criminal Complaint filed October 10, 2018 in the Southern District of New York by the FBI. Rosenfeld had constructed a 200 lbs explosive device which he planned to deploy to the National Mall in Washington, D.C. on November 6, 2018 (Election Day). Rosenfeld planned to detonate that device, killing himself and any others within the explosion's casualty-producing radius.
- b. **Hunter Wallace (connected to Gab Username @occdissent)** is known to the FBI by way of investigation and sources of information as being a leading figure in the League of the South (LOS); LOS is a white nationalist extremist organization that advocates for the establishment of a solely Caucasian nation-state within the territory of the United States. LOS was one of the far-right extremist groups present at the Charlottesville, Virginia riot in August 2017. An

October 15, 2018 review of the public profile with display name Hunter Wallace, revealed that the Gab Username was @occdissent.

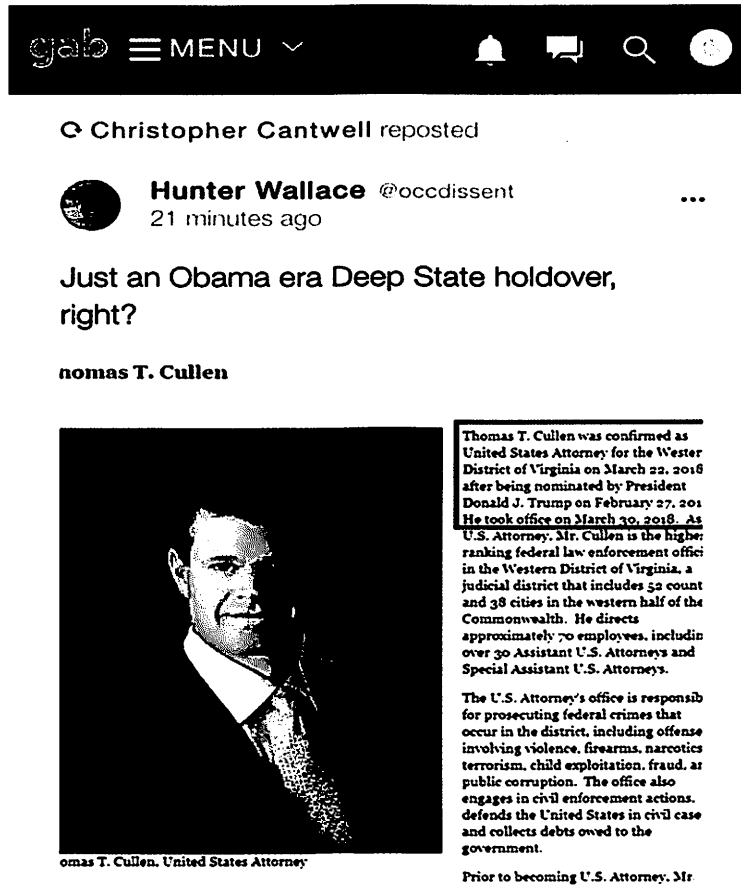
- c. FBI has sent prior preservation requests for these accounts. On October 15, 2018, the FBI emailed a letter to legal@gab.ai requesting Gab AI, Inc preserve records for any accounts using the names: **Chad Bagwell, Paul Rosenfeld's Chemist, and @Chad_Bagwell**. On October 16, 2018, the FBI received an email from legal@gab.ai confirming that they had received the request.

14. Your affiant's investigation has revealed that the accounts referenced above have been connected to a number of Gab posts in response to the arrests on October 2, 2018 (referenced above in paragraph 11).

Postings by Hunter Wallace (connected to Gab Username @occdissent) providing context for subsequent posts by Chad Bagwell (connected to Gab Username @Chad_Bagwell):

15. On October 2, 2018, at approximately 6:18 p.m., Hunter Wallace posted the following information about U.S. Attorney Cullen which was then reposted by Christopher Cantwell¹ (the FBI subsequently received the following image from a source of information depicting the October 2, 2018 repost made by @Cantwell):

¹ Christopher Cantwell is known to the FBI by way of investigation and sources of information as a leading figure in the Alt-Right movement, and was physically present at the tiki torch rally in Charlottesville, Virginia, as well as during the riots occurring on August 12, 2017, wherein Cantwell participated in acts of violence against counter-protestors. Cantwell also operates a website known as radicalagenda.com. On October 3, 2018, Cantwell posted an article titled "Cooler Heads," which discussed the four arrested individuals from RAM and mentions TFO Cappuzzo by name as the Affiant for the complaint. Christopher Cantwell, via Gab Username @Cantwell, posted a link to this article on Gab on October 3, 2018.



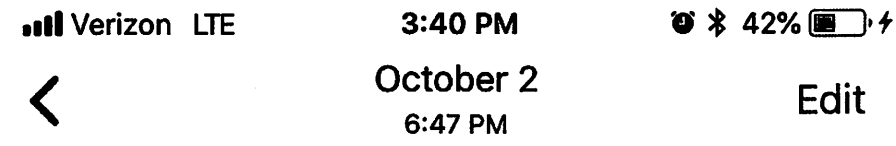
The text of the post reads as follows:

“Just an Obama era Deep State holdover, right?”

- a. Below the text of the post is a picture of the biography of Thomas T. Cullen, United States Attorney for the Western District of Virginia, which includes a photograph of Cullen and a red square around the first paragraph which indicates that Cullen was appointed by President Donald J. Trump and confirmed on March 22, 2018. A review of Christopher Cantwell’s account on Gab indicates that this post originally occurred on October 2, 2018. Further investigation identified more connections between Gab Display Name Hunter Wallace and Gab Username @occdissent when the Affiant located an article entitled “Hunter

Wallace” on www.radicalagenda.com, allegedly authored by Christopher Cantwell. In that article, Cantwell identifies Hunter Wallace as the author of www.occidentaldissent.com.

16. On October 2, 2018, at approximately 6:22 pm, Hunter Wallace posted the following information about US Attorney Cullen (the FBI subsequently received the following image from a source of information depicting the October 2, 2018 posting):



Hunter Wallace @occdissent
25 minutes ago

Who is US Attorney Thomas T. Cullen who was at the press conference this afternoon?

<https://www.justice.gov/usao-wdva/thomas-t-cullen>

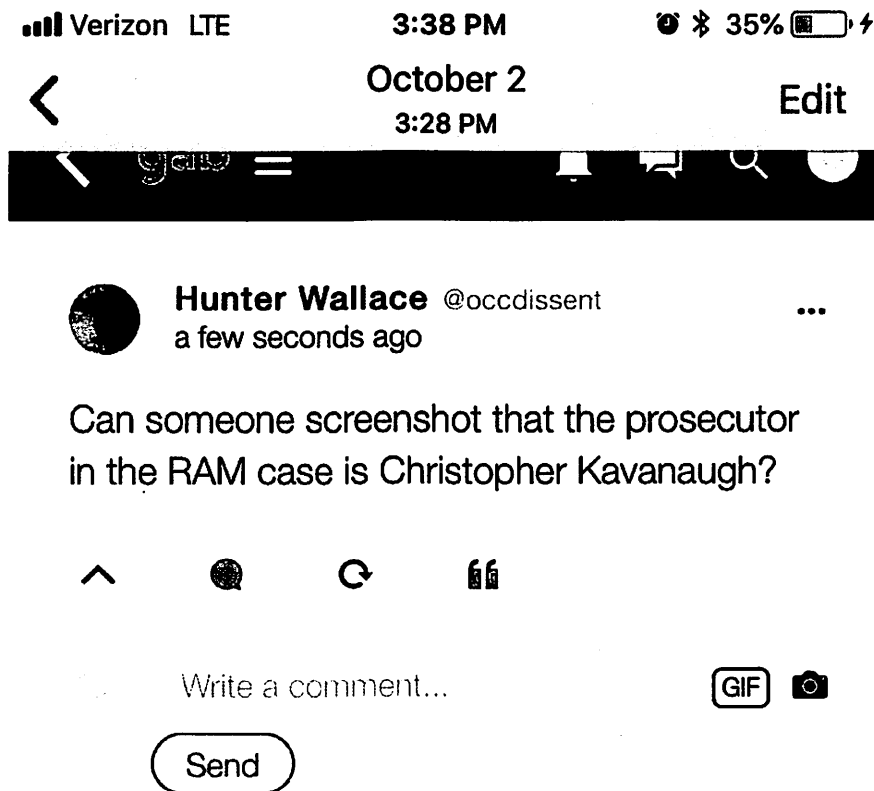


The text of the post reads as follows:

“Who is US Attorney Thomas T. Cullen who was at the press conference this afternoon?

<https://www.justice.gov/usao-wdva/thomas-t-cullen>”²

17. Also, on October 2, 2018, at approximately 3:28 pm, Wallace posted a comment inquiring whether Christopher Kavanaugh was the prosecutor in the RAM case as displayed below:

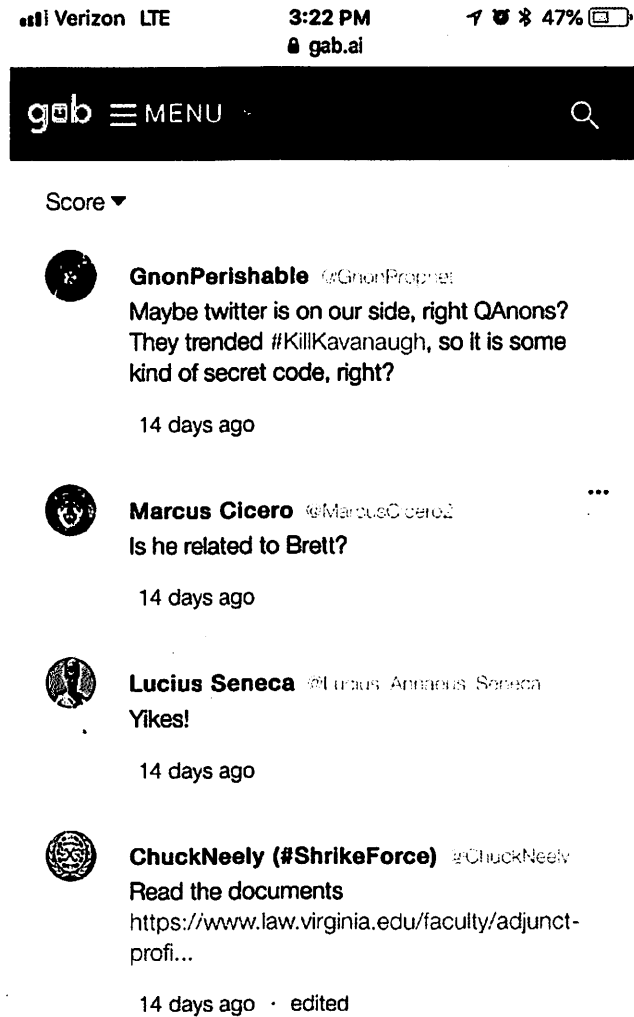


The text of the post by Hunter Wallace reads as follows:

Can someone screenshot that the prosecutor in the RAM case is Christopher Kavanaugh?

² This internet address is known and confirmed by way of investigative research to the FBI as the DOJ biography page of US Attorney Thomas Cullen, Western District of Virginia, a screenshot of which was subsequently utilized by Hunter Wallace, as referenced in paragraph 16.

- a. Later down in the same posting, another Gab user ChuckNeely (#ShrikeForce), posted a link to AUSA Kavanaugh's biography page at the University of Virginia Law School as displayed below:



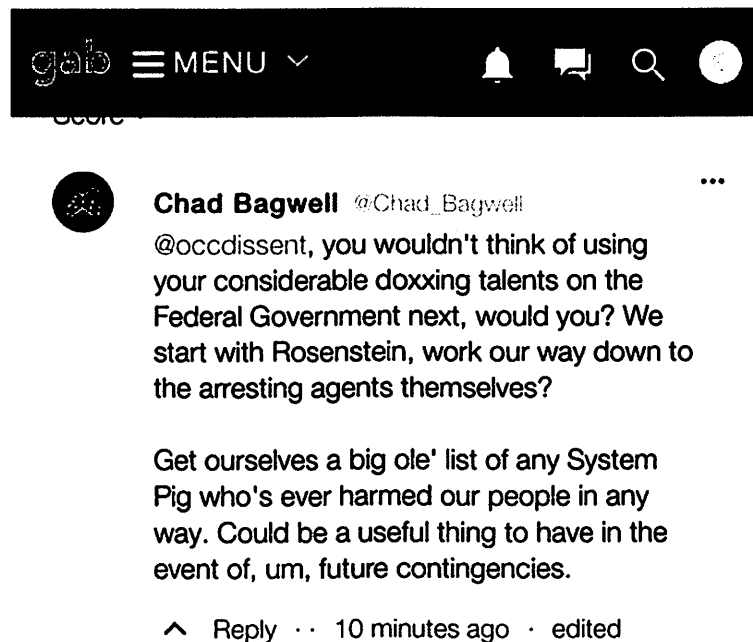
The text of the post made by ChuckNeely (#ShrikeForce) reads as follows:

Read the documents...<https://www.law.virginia.edu/faculty/adjunct-profi...>³

³ It is known by the FBI that <https://www.law.virginia.edu/faculty/adjunct-profile/crk7t/1485128> is an internet address that leads to AUSA Kavanaugh's biography page on the University of Virginia Law School's website.

Postings by Chad Bagwell (connected to Gab Username @Chad_Bagwell):

18. On October 2, 2018, at approximately 6:28 pm (after the Hunter Wallace postings referenced above in paragraphs 15 and 16), @Chad_Bagwell posted the following comment to Gab in reference to the federal arrests that occurred earlier that day (described above in paragraph 11); (the FBI subsequently received the following image from a source of information allegedly depicting a post made by Chad Bagwell (via Gab Username @Chad_Bagwell)):



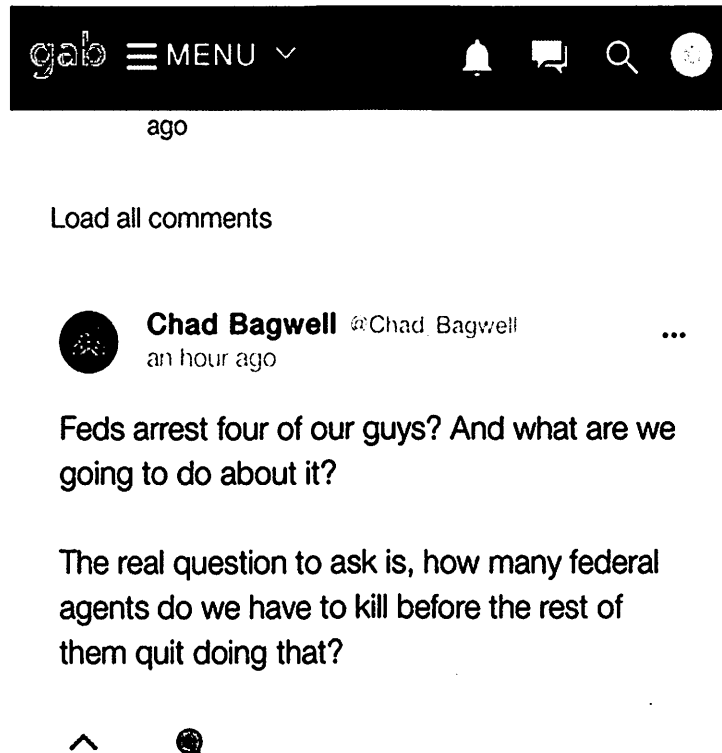
The text of the post reads as follows:

“@occdissent, you wouldn’t think of using your considerable doxxing talents on the Federal Government next, would you? We start with Rosenstein, work our way down to the arresting agents themselves? Get ourselves a big ol’ list of any System Pig who’s ever harmed our people in any way. Could be a useful thing to have in the event of, um, future contingencies.”

Your Affiant has learned the following with respect to “doxxing” through investigative research:

- a. “Doxxing” means the publishing of a victim’s personally identifying information, (e.g. home address, social security number, cell phone number, social media accounts), on to a public website. Publicly available information on “doxxing” provided information stating that “doxxed” information can be posted on any public forum. For example, after the Charlottesville Unite the Right rally, individuals that were involved in violent activity were identified by members of Alt-Left or Anti-Fascist (ANTIFA) groups, and had their personal information posted on Twitter. This was one of the reasons why users espousing a white supremacist ideology switched from Twitter to Gab. Further research also provided information that “doxxed” information can be posted to the “dark web” where it can be further exploited.
- b. “Doxxed” information can be used in harmful ways such as “swatting”, which is a form of harassment where police and emergency services respond to fictitious, threat-to-life law enforcement emergencies at an unsuspecting individual’s address. “Doxxed” information is also used for other nefarious purposes such as stealing a person’s identity, credit card fraud, placing liens on victim’s credit, or tax return fraud, among others. A worst case scenario is that a victim’s physical address, to either a work place or residence, could potentially be posted publicly, and subsequently utilized by a person wishing to locate the victim in order to harass, or cause or inflict physical harm or death to the victim and/or the victim’s family.

19. On October 3, 2018, at approximately 12:39 pm, @Chad_Bagwell posted the following on Gab (the FBI subsequently received the following image from a source of information depicting the October 3, 2018 post made by @Chad_Bagwell):

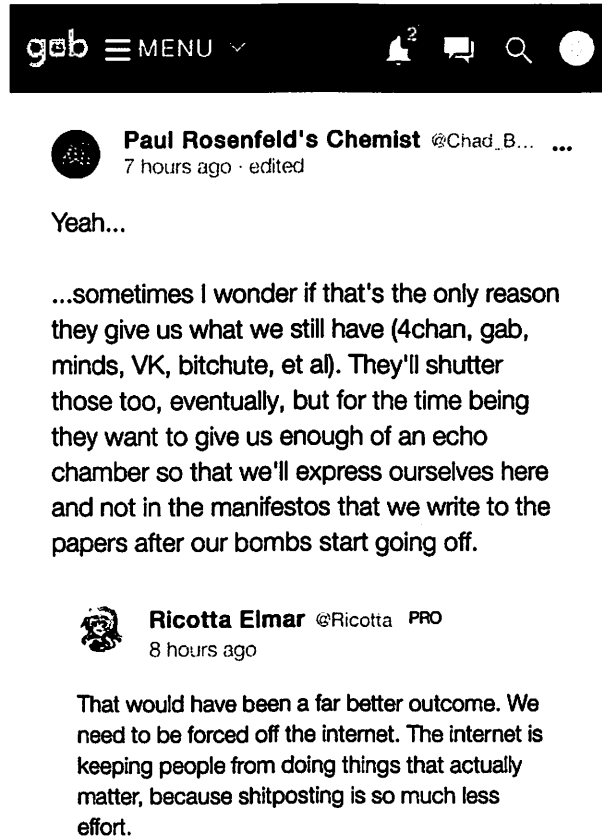


Specifically, the text of the post reads as follows:

“Feds arrest four of our guys? And what are we going to do about it? The real question to ask is, how many federal agents do we have to kill before the rest of them quit doing that?”

Posting by Paul Rosenfeld's Chemist (connected to Gab Username @Chad_Bagwell)

20. On October 14, 2018 at approximately 2:31am, Paul Rosenfeld's Chemist⁴ (@Chad_Bagwell) posted the following comment to his Gab account:



The text of the post by @Chad_Bagwell reads as follows:

“Yeah . . . sometimes I wonder if that’s the only reason they give us what we still have (4chan, gab, minds, VK, bitchute, et al). They’ll shutter those too, eventually, but for the time being they want to give us enough of an echo chamber so that we’ll express

⁴ As discussed above in paragraph 13(a), @Chad_Bagwell changed his display name from Chad Bagwell to Paul Rosenfeld's Chemist.

ourselves here and not in the manifestos that we write to the papers after our bombs start going off.”

GAB AI, INC.

21. The information requested by way of this warrant is held by Gab at premises located at 700 North State Street, Clarks Summit, Pennsylvania 18411, which is located within the Middle District of Pennsylvania.

22. Regarding publicly available information provided by Gab, its services, including Gab’s “Privacy Policy,” your Affiant is aware of the following about Gab and about the information collected and retained by Gab.

23. Gab is considered the free speech alternative to Twitter, and is often referred to as the Alt-Right’s very own Twitter. Some consider Gab’s recent popularity to be a by-product of Charlottesville 2017 “doxxing” and hate speech violations that occurred on mainstream social media platforms such as Facebook and Twitter. In December 2017, Twitter started enforcing a new, stricter set of community standards with a series of high-profile Alt-Right account suspensions. The suspended Alt-Right flocked to the pseudo-Twitter platform, Gab. Gab is a non-politically affiliated, anti-censorship platform that appears more reluctant to censor hate speech or racist communications and posts. As a result, it has become a haven for white nationalists and neo-Nazis.

24. Gab owns and operates a free-access social-networking website of the same name that can be accessed on the internet at address <https://gab.ai>. Gab allows its users to create their own profile pages, which can include a short biography, a photo of their choice, and location information. Gab also permits users to create and read short messages as posts, and to restrict their posts to individuals whom they approve.

25. Upon creating a Gab account, a Gab user must create a unique Gab username and account password, and the user may also select a different name to identify his or her Gab account. The Gab user may also change this username, password, and name without having to open a new Gab account.

26. Gab asks users to provide basic identity and contact information, either during the registration process or thereafter. This information may include the user's full name, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers. For each user, Gab may retain information about the date and time at which the user's profile was created, the date and time at which the account was created, and the Internet Protocol ("IP") address at the time of sign-up. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access a given Gab account.

27. A Gab user can post a personal photograph or image (also known as an "avatar") to his or her profile, and can also change the profile background or theme for his or her account page. In addition, Gab users can post short "bios" to their profile pages.

28. Gab also keeps IP logs for each user. These logs contain information about the user's logins to Gab including, for each access, the IP address assigned to the user and the date stamp at the time the user accessed his or her profile.

29. As discussed above, Gab users can use their Gab accounts to post short messages. Each post includes a timestamp that displays when the post was made to Gab. Gab users can also "repost," "reply," "quote," "upvote," or "downvote" the posts of other users. In addition, when a post includes a Gab username, often preceded by the @ sign, Gab designates that post a "mention" or "tag" of the identified user. In the user's page on Gab, Gab provides a list of all

posts from other users in which the user has been mentioned or tagged, a list of all the comments to posts made by the user, and a list of other users who have reposted a post by the user.

30. Gab users may send photos and images in their posts.

31. A Gab user can “follow” other Gab users, which means subscribing to those users’ posts and site updates. Each user profile page includes a list of the people who are following the user (the user’s “followers” list) and a list of people whom that user follows (the user’s “following” list). Gab users can “unfollow” users whom they previously followed, and they can also adjust the privacy settings for their profile so that their posts are visible only to the people whom they approve, rather than to the public (which is the default setting). A Gab user can also group other Gab users into “groups” that display on the user’s home page. Gab also provides users with a list of “Who to Follow,” which includes a few recommendations of Gab accounts that the user may find interesting, based on the types of accounts that the user is already following and who those people follow.

32. In addition to publishing posts, a Gab user can also send messages directly to one of his or her followers. These messages are typically visible only to the sender and the recipient.

33. Gab users can configure the settings for their Gab accounts in numerous ways. For example, a Gab user can configure his or her Gab account to send updates to the user’s mobile phone.

34. Gab includes a search function that enables its users to search all public posts for keywords, usernames, or subject, among other things.

35. If a Gab user does not want to interact with another user on Gab, the first user can “mute” the second user, preventing the post from the second user from being visible to the first user. Additionally, Gab users can block other users from following them.

36. Gab also collects information on the particular devices used to access Gab. In particular, Gab may record “device identifiers,” which includes data files and other information that may identify the particular electronic device that was used to access Gab.

37. Gab also may communicate with the user, by email or otherwise. Gab collects and maintains copies of communications between Gab and the user.

38. Through training and experience, the Affiant has knowledge that domestic terrorists and persons affiliated with white supremacist extremist conspirators and/or groups, such as those connected to the Gab accounts for the proposed search, will utilize social media (such as Gab), electronic mail, and other methods to conduct their illegal activity and maintain contact with other confederates, conspirators and criminal associates involved with the planning, targeting, and execution of their political or social goals to include, but not limited to, espousing and/or inciting violence and threatening and retaliating against federal officials on account of the performance of their official duties. The information stored in connection with a Gab account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. Based on my training, experience, and investigative research, I know that a Gab user’s account activity, IP log, stored electronic communications, and other data retained by Gab, can indicate who has used or controlled the Gab account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, direct messaging logs, shared photos and videos, and captions (and the data associated with the foregoing, such as geo-location, date and time) may be evidence of who used or controlled the Gab account at a relevant time. Further, Gab account activity can show how

and when the account was accessed or used. For example, as described herein, Gab logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use, relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Gab access, use, and events relating to the crime under investigation.

39. Lastly, Gab account activity may provide relevant insight into the Gab account owner's state of mind as it relates to the offense under investigation. For example, information on the Gab account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

40. Based on the information above, Gab's computers are likely to contain all the material described above with respect to the Gab accounts referenced in **Attachment A**, including stored electronic communications and information concerning subscribers and their use of Gab, such as account access information, which would include information such as the IP addresses and devices used to access the account, as well as other account information that might be used to identify the actual user or users of the accounts at particular times. For the purposes of this warrant, the government is requesting the authority to search for and seize all information referenced in **Attachment B**. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Gab to disclose to the government copies of the records and other information (including the content of communications) particularly described


in Section I of **Attachment B**. Upon receipt of the information described in Section I of **Attachment B**, government-authorized persons will review that information to locate the items described in Section II of **Attachment B**.

REQUEST FOR SEALING

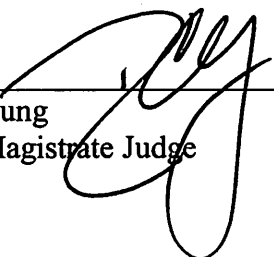
41. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. In light of the information described above, it is likely that all of the targets of this investigation are continuing their criminal efforts to threaten and retaliate against the federal officials and law enforcement officers connected to the investigation that resulted in the criminal charges described above in paragraphs 8 through 12. Revealing the existence of this investigation, and the information set forth in this affidavit, will inhibit the investigation, result in the destruction of potential evidence, and may lead to the flight of the named individuals and any accomplices who have yet to be identified. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize this investigation.

CONCLUSION

42. Based on the nature of the threat described above, your Affiant requests that the Court issue the proposed search warrant, as well as an accompanying Nondisclosure Order to Gab. Because the warrant will be served on Gab, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.


James R. Rudisill
Special Agent Bomb Technician
Federal Bureau of Investigation

Subscribed and sworn before me this 17 day of October 2018.


/s/
Roderick C. Young
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Gab profiles as follows:

USERNAME	DISPLAY NAME
@Chad_Bagwell	Chad Bagwell
@Chad_Bagwell	Paul Rosenfeld's Chemist

that are stored at premises owned, maintained, controlled, or operated by Gab AI, Inc, a company headquartered at 700 North State Street, Clarks Summit, Pennsylvania 18411, which is located within the Middle District of Pennsylvania.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Gab

To the extent that the information described in **Attachment A** is within the possession, custody, or control of Gab AI, Inc. (Gab), including any messages, records, files, logs, or information that have been deleted but are still available to Gab, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Gab is required to disclose the following information to the government for each account listed in **Attachment A**:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All IP logs and other documents showing the IP address, date, and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All posts and private messages sent, received, quoted, reposted, or “liked” by the account, and all photographs or images included in those posts or private messages;

- g. All usernames and display names of other users who have reposted, quoted, or “liked” posts made by the account.
- h. A list of all posts from other users that included the account username as a “mention” or replies to posts made from the account.
- i. All photographs and images in the user gallery for the account;
- j. All location data associated with the account;
- k. All data and information that has been deleted by the user;
- l. A list of other users that the user follows and all users who are following the user;
- m. A list of all users that the account has muted or blocked;
- n. All groups created by or joined by the account;
- o. All information on the “Who to Follow” list for the account;
- p. All privacy and account settings;
- q. All records of Gab searches performed by the account, including all past searches saved by the account;
- r. All records pertaining to communications between Gab and any person regarding the user or the user’s Gab account, including contacts with support services, and all records of actions taken, including suspensions of the account.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. § 115 involving users **Chad Bagwell, Paul Rosenfeld’s Chemist, @Chad_Bagwell**, and related conspirators including, for each username or display name identified on Attachment A, information pertaining to the following matters:

- a. Threats to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or certain other government officials (collectively referred to as government officials), with intent to impede, intimidate, or interfere with such government officials while engaged in the performance of official duties, or with intent to retaliate against such government officials on account of the performance of official duties.
- b. Evidence indicating how and when the Gab account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Gab account holder;
- c. Evidence indicating the Gab account user's state of mind as it relates to the crime under investigation;
- d. The identity of the person(s) who created or used the username or display name, including records that help reveal the whereabouts of such person(s).
- e. The identity of persons who communicated with the users targeted by this search about matters related to the offense conduct under investigation (referenced above at II.a.), including records that help reveal their whereabouts.

AO 91 (Rev. 11/11) Criminal Complaint

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA.
FILED

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

AUG 27 2018

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERKUnited States of America
v.

Case No.

3:18mj00025

Benjamin Drake Daley

Defendant(s)

CRIMINAL COMPLAINT

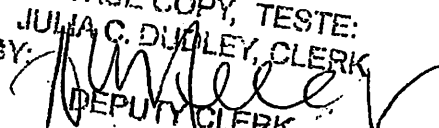
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 11-12, 2017 in the county of Charlottesville in the
Western District of Virginia, the defendant(s) violated:


<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2101	Riots
18 U.S.C. § 371	Conspiracy to Riot

This criminal complaint is based on these facts:

See Attached Affidavit

A TRUE COPY, TESTE:
JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK☒ Continued on the attached sheet.
*Complainant's signature*Dino Cappuzzo, Task Force Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/27/2018
*Judge's signature*City and state: Charlottesville, VirginiaHonorable Joel C. Hoppe, U.S. Magistrate Judge
Printed name and title

ATTACHMENT

"C"

PERJAD 03-031-693

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

v.

BENJAMIN DRAKE DALEY,
MICHAEL PAUL MISELIS,
THOMAS WALTER GILLEN, and
COLE EVAN WHITE

Case No. 3:18mj 00024-00027

Filed Under Seal

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

I, Dino P. Cappuzzo, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer of the United States Department of Justice, Federal Bureau of Investigation ("FBI") and have been so employed since September 2016. I am assigned to the Richmond Field Office, Charlottesville Resident Agency, located in Charlottesville, Virginia. My principal duties include the investigation of, among other matters, domestic and international terrorism and threats to the National Security of the United States.

2. I am a sworn law enforcement officer with the Virginia Department of State Police, Bureau of Criminal Investigation, and have been so employed for 22 years. Additionally, I am a Task Force Officer, deputized as a Deputy United States Marshal as a member of the Federal Bureau of Investigation's Joint Terrorism Task Force in Charlottesville, VA. I am charged with the duty of investigating violations of the laws of the United States as stated in

Title 28, Federal Code of Regulations, and to seek and execute arrest and search warrants supporting a Federal Task Force under Title 18 Authority.

3. Your Affiant bases this affidavit upon personal knowledge and observations made during the course of this investigation, and upon my personal review of records, documents, and items lawfully obtained by third parties, public records, and interviews. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part. The Affiant is familiar with the information contained in this affidavit based upon the investigation I have conducted to date and based on my conversations with other law enforcement officers who have been involved in this investigation, some of whom have also been engaged in numerous investigations involving domestic terrorism. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of an arrest warrant, I have not included each and every fact I know about the investigation.

4. Title 18, United States Code, Section 2101, provides that “Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent 1) to incite a riot; or 2) to organize, promote, encourage, participate in, or carry on a riot; or 3) to commit any act of violence in furtherance of a riot; or 4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot” shall be guilty of a federal offense.

5. Title 18, United States Code, Section 371, provides that “If two or more persons conspire [] to commit any offense against the United States . . . and one or more of such persons do any act to effect the object of the conspiracy, each shall be [guilty of a federal offense].

BACKGROUND

6. On August 12, 2017, a “Unite the Right” rally (UTR) was scheduled to be held at Emancipation Park in Charlottesville, Virginia. The proclaimed purpose of the rally was to protest the removal of the Robert E. Lee and Thomas “Stonewall” Jackson statues in Charlottesville. Several groups and individuals espousing right-wing nationalist and/or white supremacist views traveled to Charlottesville to attend the rally in support.

7. On the evening of August 11, 2017, the night before the UTR rally of August 12, many of these groups and individuals participated in an unsanctioned torch-lit march occurred on the grounds of the University of Virginia, which is located in Charlottesville and in the Western District of Virginia. Hundreds of participants marched through a portion of the University of Virginia’s grounds, carrying torches and shouting, for example, “Jews will not replace us!” “Blood and Soil!” and “White Lives Matter!” The torch-lit march culminated at a statue of Thomas Jefferson located at the base of the University of Virginia’s Rotunda, where the march

participants surrounded a small group of students and community members who had joined around the statue in counter-protest. Several students held a banner that read: "VA Students Act Against White Supremacy." After surrounding the smaller group of students and counter-protestors, the participants of the torch-lit march pressed in closer towards them. Moments later, violence erupted among the hundreds of people present.

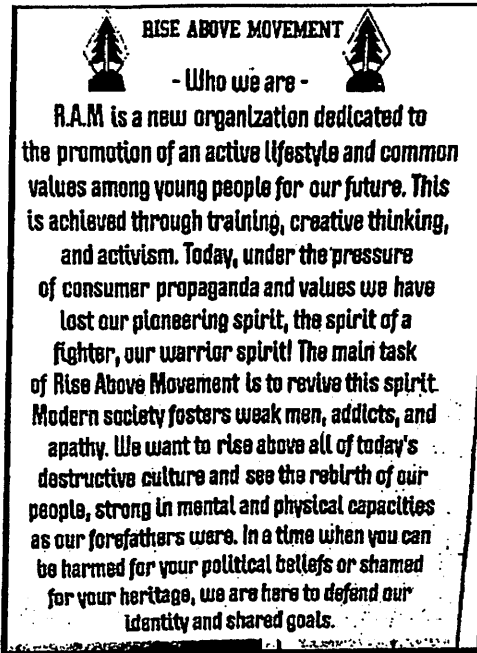
8. The next day, on August 12, 2017, the UTR rally was scheduled to begin at noon. That morning, individuals and groups espousing white supremacist and white nationalist beliefs funneled into Emancipation Park. Numerous counter-protestors attended the rally to oppose the rally and its supporters. Throughout the morning, numerous violent encounters occurred between white-supremacist protestors and counter-protestors. Before the UTR rally could officially begin, law enforcement declared an unlawful assembly and cleared Emancipation Park.

9. Upon information and belief, among the most violent individuals present in Charlottesville on August 11-12, 2017 were at least four members and associates of the "Rise Above Movement," (RAM) a militant white-supremacist organization based in Southern California, who had traveled to Charlottesville with the intent to encourage, promote, incite, participate in, and commit violent acts in furtherance of a riot, as that term is defined by 18 U.S.C. § 2102.

PROBABLE CAUSE

10. Through open-source research by the FBI, it was learned that RAM maintained a publicly viewable Twitter page. RAM represents itself to be a positive influence on those who

join their ranks, as evidenced in the following statement posted to their publicly viewable Twitter



page:

11. Through Twitter and other social-media platforms, RAM promotes “clean living,” physical fitness and mixed martial arts (MMA) street fighting techniques. According to an article published to www.nocara.blacklogs.org on 7/06/2017, entitled “DIY Division: The Violent neo-Nazi Group Central to the California Alt-Right and Alt-Light Protest Movements,” DIY, which later re-branded itself as RAM, subscribes to “equal parts Identity Europa’s flaccid identitarian discourse...and the fetishization of masculinity, physical fitness, and violence mixed with the shallow anti-corporate and anti-consumerist themes of the film *Fight Club*. Propaganda by the group...contains...fascistic themes of emasculated young white men needing to reclaim their identities through learning to fight and engaging in purifying violence.” Accordingly, the group regularly meets in public parks in the southern California area and trains in physical fitness, boxing, and other fighting techniques. The following photographs were obtained from RAM’s public Twitter page:



R.A.M. @RiseAboveMvmt · Jan 24

Some debate about the future, others work to build it. #altright #nationalist
#riseabovve



12. Benjamin Drake Daley (DALEY,) a resident of Redondo Beach, California, figures prominently in the organization, and regularly appears in photographs posted to their

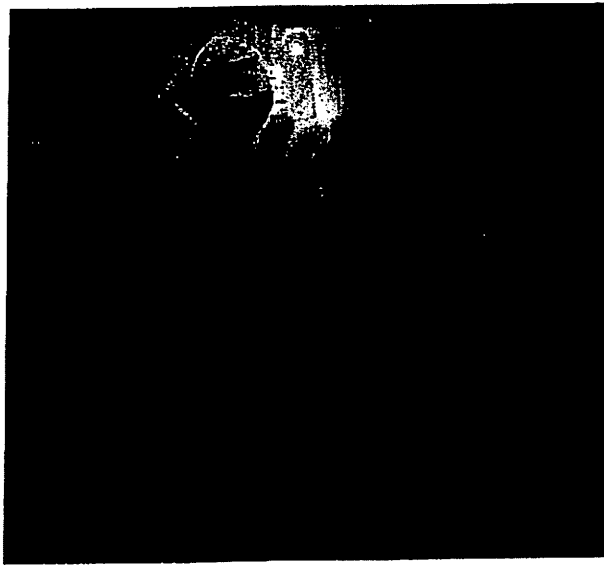
publicly viewable Twitter page. RAM also regularly posts photos of themselves posing shirtless and wearing skull half masks, with the group's name overlaying the photo, as seen below.



DALEY is seen front and center, kneeling on the far left of the first row in the photo.

13. RAM and its members openly identify themselves on various social media platforms as "alt-right" and "nationalist" and frequently posts videos and photographs of its adherents engaged in vigorous physical training and mixed martial arts (MMA) street-fighting techniques in order to prepare to engage in fighting and violence at political rallies.

14. The four defendants, DALEY, along with fellow RAM members/associates Michael Paul Miselis (MISELIS,) Thomas Walter Gillen (GILLEN) and Cole Evan White (WHITE,) traveled to Charlottesville from California on or about August 11, 2017, and participated in violent encounters in Charlottesville in connection with the torch-lit march of August 11, 2017 and the UTR rally of August 12, 2017. In addition, these RAM members have engaged in acts of violence at political rallies in Huntington Beach, CA (3/25/2017), Berkeley, CA (4/15/2017), and other places. In the screen shots below from videos posted to Youtube, the aforementioned individuals are seen engaging in acts of violence directed towards their supposed political opponents and counter protestors at political rallies.



In this video, an individual believed to be DALEY can be seen attempting to kick and/or punch a counter protestor, while wearing a half-skull face mask consistent with those depicted in RAM's group photo previously noted.

15. GILLEN was also present during last year's unrest in Berkeley, California, and can be seen in the same video repeatedly punching a counter protestor who has fallen to the ground.



GILLEN, in an apparent effort to prepare to engage in physical violence, has taped his fists in the manner of boxers or MMA style fighters, as evidenced photo above, right.

16. MISELIS, who along with DALEY, is a prominent member of RAM and was present alongside him during the civil unrest at political rallies in Berkeley, CA and at least two other places. In the following photograph, MISELIS appears with his fellow RAM members and associates during the Berkeley riots, and like GILLEN, has taped his right fist in preparation:



17. Investigators have also identified COLE EVAN WHITE as being present with RAM at the Charlottesville UTR rally, and who has appeared alongside RAM members during the unrest in Berkeley, CA in 2017. White is a San Francisco area resident, and can be seen in the following screenshots of footage from the Berkeley riots in April 2017. White is the individual in a purple sweater with flowing platinum blonde hair, alongside MISELIS, and later attacking a counter protestor:



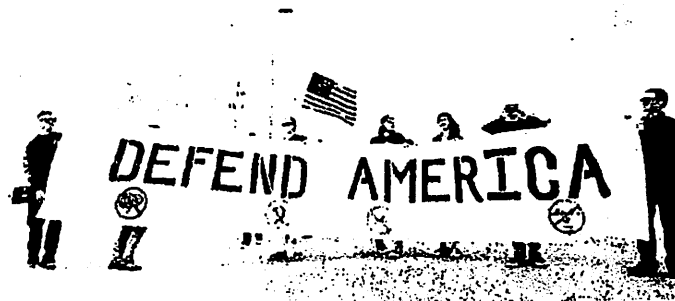
18. RAM and their associates, in contrast to their purpose referenced previously, openly espouse animosity, anti-Semitism, and violence towards those who hold opposite ideologies to their own, as evidenced by posts to their Twitter page:



R.A.M. @RiseAboveMvmt · Mar 20
#nationalist #cpt.cs



R.A.M. @RiseAboveMvmt · Feb 15
Shortly after this pic antifa was btfo in Huntington Beach #defend #America
#nationalist #alright



0 1 20 M



R.A.M. @RiseAboveMvmt · Feb 5

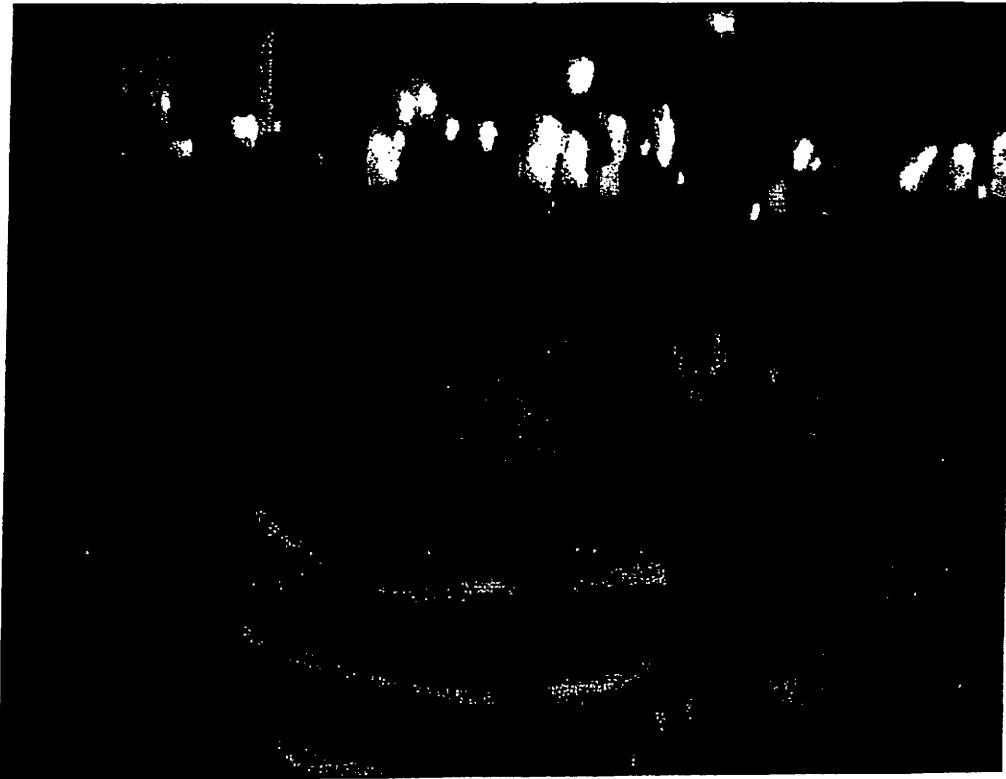
When the squads not out smashing commies #nationalist #lifestyle



19. The FBI has been conducting an investigation into possible violations of federal criminal law committed by individuals allegedly associated with RAM. The investigation was initiated following receipt of information that DALEY, GILLEN, MISELIS and WHITE, attended the August 11-12, 2017 "Unite the Right" Rally in Charlottesville, Va. and committed multiple acts of violence against counter protestors, which in some cases resulted in serious injuries. Photographs and video footage from the evening of August 11, 2017, and from the morning of August 12, 2017, in Charlottesville, Virginia, corroborated the aforementioned information.

20. Photographs and video footage have confirmed that DALEY, MISELIS, GILLEN, and WHITE were present and participated in the torch-lit march that culminated in violence against students and other counter protestors. In the following screenshots, WHITE – with the apparently dyed platinum blonde hair and horizontal striped shirt – can be seen using his torch as a weapon on at least two occasions during the melee.





21. In addition to WHITE, DALEY also engaged in acts of violence that evening. A search warrant of DALEY's Facebook account revealed that he admitted to being present at the torch march. In the conversation, DALEY was critical of another prominent white supremacist for releasing a chemical spray at the march. DALEY stated that such spray was unnecessary because "We had the[m] completely surrounded." DALEY admitted: "I hit like 5 people." In March 2018, DALEY referred to "Friday [the torch march] was good . . . Saturday [the UTR rally] was a HUGE failure."

22. On the morning of August 12, 2017, DALEY, along with other members of RAM, are seen in video footage committing acts of violence, assaulting counter-protestors by punching, kicking and head butting on 2nd Street NE between the High and Jefferson cross streets in downtown Charlottesville, Virginia. DALEY, the white male with short-cropped reddish

blonde hair wearing a white long-sleeved shirt and sun glasses, and with his fists taped, can be seen in a screen shot from the footage punching and kicking a counter protestor:



23. At the same time, WHITE (in a white shirt, two-toned platinum hair, and sunglasses) joins DALEY by grabbing a non-violent counter-protestor – who was merely holding onto a street sign – by the shoulders and jerking him away. (Photo: below left). Afterwards, WHITE head-butted a clergyman – the individual in the yellow shirt with tan hat – and who was wearing a clerical collar. (Photo: below right).



24. GILLEN, as seen in a still from the footage below, has his hands taped as he did during the Berkeley unrest, again demonstrating his preparation for violent activity. GILLEN is

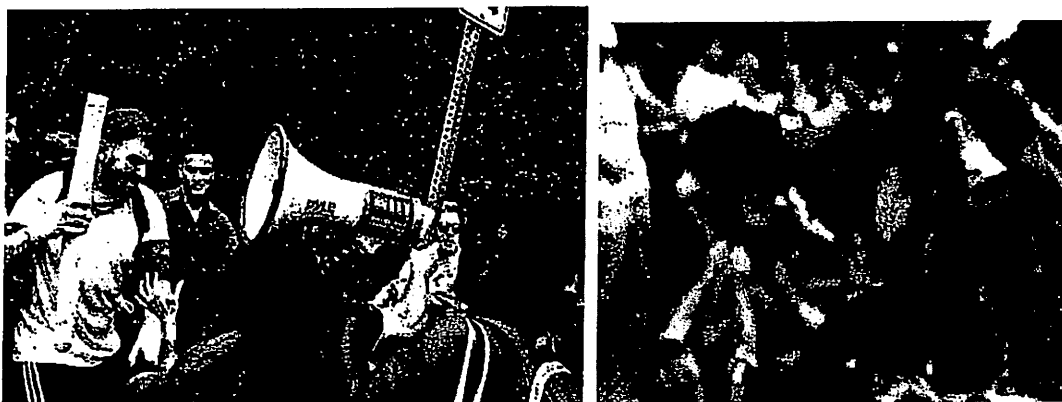
seen in the aforementioned video assisting his fellow RAM members DALEY and MISELIS, as they assault multiple counter protestors on August 12, 2017.



25. In other video footage from the violence, WHITE can be seen headbutting a female counter protestor, while DALEY assists him in the assault. (Photo: below, left). The headbutt results in a severe laceration. (Photo: below, right).



MISELIS, in the following screen shots of video footage used by Propublica.org in an article about MISELIS' alleged membership in RAM, appears to be shoving an African American to the ground and then striking him. MISELIS, like DALEY, again has his fists taped in the manner of boxers and MMA fighters:



Another screen shot from video footage depicts DALEY attacking a man without provocation:



And later in the same video, MISELIS can be seen kicking the same man as he is falling to the ground:



In the following screen shot, DALEY can be seen in the process of grabbing a female counter-protestor by the neck and body slamming her to the ground.



A screenshot from the footage below shows GILLEN, DALEY, WHITE, and MISELIS, acting in concert with each other as they continue to engage in acts of violence towards counter protestors.

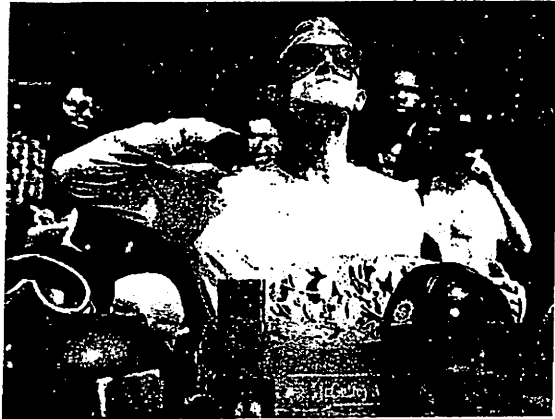


26. The following photograph, taken by the Affiant on August 12, 2017 in Emancipation Park (Market Street Park,) shows DALEY, WHITE, MISELIS and GILLEN, among others, posing behind a banner representing RAM:



27. Later that day, but still before the official 12:00pm start of the rally, the white supremacists in Emancipation Park started to clash with counter-protestors at the entrance to the park located at 2nd Street NE and Market Street NE. During this extended incident, both sides threw water bottles at each other. Miselis and Daley are captured in photos and on video throwing water bottles into the crowd of counter-protestors. After Daley throws the water bottle,

he stands up on sign and makes a "throat-slashing" gesture to the crowd:



28. Bank records obtained by the FBI for DALEY indicate that his credit card made purchases at WalMart store # 1780 in Charlottesville on August 11, 2017. The Affiant obtained copies of those receipts, which revealed that DALEY, upon arriving in Charlottesville, purchased rolls of white athletic tape, black spray paint, and a folding tactical knife.

29. After returning to Southern California, Daley made various admissions about committing acts of violence in Charlottesville and at other rallies in California.

CONCLUSION


30. Based on the information set forth in this affidavit, I submit that there is probable cause to believe:

31. On or about August 11, 2017, Defendant BENJAMIN DRAKE DALEY, MICHAEL MISELIS, COLE WHITE, and THOMAS GILLEN traveled in interstate commerce from California to Charlottesville, Virginia, within the Western District of Virginia, with intent (a) to incite a riot, (b) to organize, promote, encourage, participate in, and carry on in a riot, (c)

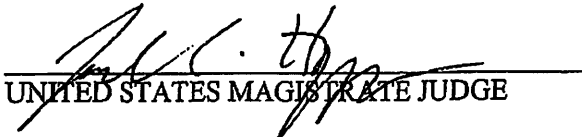
to commit an act of violence in furtherance of a riot, and (d) to aid or abet any person inciting and participating in or carrying on in a riot and committing any act of violence in furtherance of a riot; and during the course of such travel or thereafter performed or attempted to perform multiple overt acts, including but not limited to: inciting, promoting, encouraging, participating in, and carrying on in a riot, committing acts of violence in furtherance of a riot, and aiding and abetting other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot, in violation of Title 18, United States Code, Sections 2101, 2.

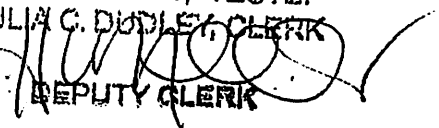
Based on the forgoing, I request that the Court issue the proposed arrest warrant.

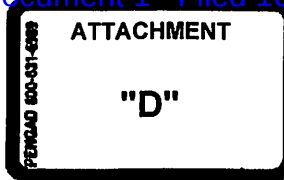
Respectfully submitted,


Dino P. Cappuzzo
Special Agent/Task Force Officer
FBI

Subscribed and sworn to before me on August 27, 2018


UNITED STATES MAGISTRATE JUDGE

A TRUE COPY, TESTE:
JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK



CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

OCT 10 2018

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

BENJAMIN DRAKE DALEY)
MICHAEL PAUL MISELIS)
THOMAS WALTER GILLEN)
COLE EVAN WHITE)

Criminal Number: 3:18cr00025

In Violation of:

18 U.S.C. § 371 (Conspiracy to Riot)

18 U.S.C. § 2101 (Riots)

INDICTMENT

The Grand Jury charges:

Introduction

1. In or around the spring and summer of 2017, an event referred to as the "Unite the Right" rally was organized and scheduled to occur on August 12, 2017, at Emancipation Park in Charlottesville, Virginia, which is within the Western District of Virginia. This rally was widely promoted on social media and internet sites associated with white-supremacist individuals and groups, and was scheduled to feature a lineup of well-known white supremacist speakers.

2. On August 11, 2017, the evening prior to the scheduled Unite the Right rally, hundreds of individuals engaged in a torch-lit march on or around the grounds of the University of Virginia in Charlottesville, Virginia. Throughout the march, the participants engaged in chants promoting or expressing white-supremacist and other racist and anti-Semitic views. The march culminated near the University of Virginia's Rotunda where a smaller group of individuals, including University of Virginia students, had gathered around a statue of Thomas

Jefferson to protest the torch-lit march. Members of this group held a banner that read: "VA Students Act Against White Supremacy." Chanting and bearing torches, the march participants encircled the Thomas Jefferson statue and surrounded the protestors. Violence ensued.

3. On the morning of August 12, 2017, multiple groups and individuals espousing white-supremacist and other anti-Semitic and racist views arrived in and around the vicinity of Emancipation Park in Charlottesville, Virginia, to attend the Unite the Right rally. After several instances of violence prior to the scheduled start of the rally, law enforcement declared an "unlawful assembly" and required rally participants to disperse.

The Defendants and the Rise Above Movement in California

4. Beginning as early as in or about March 2017, the exact date being unknown to the Grand Jury, the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, residents of California, associated with a white-supremacist organization that eventually became known as the "Rise Above Movement," or "RAM."

5. RAM openly identified itself as "alt-right" and "nationalist" and its members and associates frequently posted photographs and videos of its adherents engaging in physical training and mixed martial arts (MMA) street-fighting techniques, along with references to their alt-right and nationalist beliefs and ideology.

6. RAM and its members and associates also expressed, through various social-media platforms and other means, anti-Semitic, racist, and white-supremacist views and promoted violence against those they believed held opposing political views.

7. From in or about March 2017, to in or about August 2017, RAM and its members and associates, including the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL

MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, traveled to multiple political rallies and organized demonstrations in California and Virginia, where they prepared to and engaged in acts of violence against numerous individuals.

COUNT ONE

(Conspiracy to Commit an Offense Against the United States)

18 U.S.C. § 371

8. The allegations set forth in paragraphs 1 through 7 are incorporated by reference as if fully set forth herein.

9. Beginning as early as in or about March 2017, the exact date being unknown to the Grand Jury, and continuing to on or about the date of this Indictment, in the Western District of Virginia and elsewhere, the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, did knowingly and willfully conspire, combine, confederate, and agree together with each other and with other individuals both known and unknown to the Grand Jury, to commit an offense against the United States, namely: traveling in interstate commerce and using a facility of interstate commerce with intent (a) to incite a riot, (b) to organize, promote, encourage, participate in, and carry on in a riot, (c) to commit an act of violence in furtherance of a riot, and (d) to aid or abet any person inciting and participating in or carrying on in a riot and committing any act of violence in furtherance of a riot; and during the course of such travel or use thereafter performed and attempted to perform any other overt act for such purpose, in violation of Title 18, United States Code, Section 2101.

Overt Acts

10. During and in furtherance of the conspiracy, and to effect the object thereof, the defendants BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER

GILLEN, and COLE EVAN WHITE, and others co-conspirators known and unknown to the Grand Jury, committed the following overt acts, among others, in the Western District of Virginia and elsewhere:

Huntington Beach, CA, on or about March 25, 2017

- a. On or about March 25, 2017, traveled to and attended a purported political rally in or around Huntington Beach, California; and
- b. committed, participated in, and aided and abetted one or more acts of violence against individuals attending the purported political rally in Huntington Beach, California.

Berkeley, CA on or about April 15, 2017

- c. On or about April 15, 2017, reserved and rented an 11-passenger van with a debit card to travel from Southern California to in or around Berkeley, California;
- d. traveled to and attended a purported political rally in or around Berkeley, California; and
- e. after traveling in interstate commerce and using a facility in interstate commerce, committed, participated in, and aided and abetted one or more acts of violence against individuals attending the purported political rally in Berkeley, California.

Albemarle County and Charlottesville, VA, on or about August 11-12, 2017

- f. During the summer of 2017 and prior to August 11, 2017, purchased flights, with debit and credit cards, from Los Angeles and San Francisco, California, to Charlottesville, Virginia;

- g. During the summer of 2017 and prior to August 11, 2017, reserved and rented lodging within Charlottesville, Virginia, for the dates of August 11 through August 13, 2017;
- h. On or about August 10 and 11, 2017, traveled in interstate commerce by boarding commercial flights and flying from Los Angeles and San Francisco, California, to Charlottesville;
- i. On or about August 11, 2017, having arrived in Charlottesville, purchased athletic tape and baseball helmets from a local Wal-Mart store with debit cards and cash obtained by debit card;
- j. On or about the evening of August 11, 2017, obtained torches and attended a torch-lit march on or around the grounds of the University of Virginia in Charlottesville and Albemarle County, Virginia;
- k. On or about the evening of August 11, 2017, incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot on or around the grounds of the University of Virginia in Charlottesville and Albemarle County, Virginia;
- l. On or about August 12, 2017, prepared to commit acts of violence by, among other things, wrapping their hands with athletic tape.
- m. On or about August 12, 2017, attended the Unite the Right rally in and around the vicinity of Emancipation Park in Charlottesville, Virginia;

- n. On or about August 12, 2017, incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot in and around the vicinity of Emancipation Park in Charlottesville, Virginia; and
 - o. On or about August 13, 2017, or the days thereafter, traveled on return flights from Charlottesville to Los Angeles and San Francisco, California.
11. All in violation of Title 18, United States Code, Section 371.

COUNT TWO
(Travel with Intent to Riot)
18 U.S.C. § 2101

12. The allegations set forth in paragraphs 1 through 7 are incorporated by reference as if fully set forth herein.

13. On or about August 11, 2017, the defendants, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE, traveled in interstate commerce from California to Charlottesville, Virginia, within the Western District of Virginia, with intent (a) to incite a riot, (b) to organize, promote, encourage, participate in, and carry on in a riot, (c) to commit an act of violence in furtherance of a riot, and (d) to aid or abet any person inciting and participating in or carrying on in a riot and committing any act of violence in furtherance of a riot; and during the course of such travel or thereafter performed or attempted to perform any other overt act, including but not limited to:


- a. On or about the evening of August 11, 2017, on or around the grounds of the University of Virginia in Charlottesville, Virginia, BENJAMIN

DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot.

- b. On or about August 12, 2017, in and around the vicinity of Emancipation Park in Charlottesville, Virginia, BENJAMIN DRAKE DALEY, MICHAEL PAUL MISELIS, THOMAS WALTER GILLEN, and COLE EVAN WHITE incited, promoted, encouraged, participated in, and carried on in a riot, committed acts of violence in furtherance of a riot, and aided and abetted other persons inciting and participating in and carrying on in a riot and committing acts of violence in furtherance of a riot.

2. All in violation of Title 18, United States Code, Sections 2101, 2.

A TRUE BILL this 10th day of October, 2018


THOMAS T. CULLEN
UNITED STATES ATTORNEY

/s/FOREPERSON
FOREPERSON